

REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

A. **Status of the Claims And Explanation Of Amendments**

The specification was objected to for various informalities. The corrections suggested by the Examiner have been made. Withdrawal of these objections is requested.

Claims 1, 3-6 and 8-11 are pending. At the outset, Applicant wishes to thank the Examiner for the indication of allowable subject matter in previously pending claims 3, 4, 8 and 9. By this amendment, claims 4 and 9 have been amended into independent form. Accordingly, at least these claims are respectfully asserted to be in condition for allowance.

Several formal matters were raised by the Office Action. Claims 1, 3-6 and 8-11 were objected to because the phrase "when in the automatic focusing mode" was found by the Examiner to be misdescriptive. [9/30/04 Office Action at ¶2]. By this amendment, this language has been deleted from the claims without prejudice or disclaimer.

Claims 1, 3-6 and 8-11 also were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. [9/30/04 Office Action at ¶4]. The "permits power supply" language in claims 3 and 8 was alleged to conflict with the "prohibits power supply" language in claims 1 and 6. Claims 1, 6 and 11 were amended to recite that the control device "restrains" power supply "in an automatic focusing driving" and "permits power supply... after said image pickup apparatus has been brought to an in-focus state...." Similar amendments were made to claims 4 and 9. These amendments are not made for any substantial reason related to patentability (*i.e.*, §§ 102 or 103). Withdrawal of the objection and rejection are respectfully requested.

Claims 1, 5, 6 and 10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,606,382 to Suh (“Suh”). [9/30/04 Office Action at ¶6]. Claim 11 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suh in view of U.S. Patent No. 4,984,000 to Watanabe et al. (“Watanabe”). [9/30/04 Office Action at ¶8].

B. Claims 1-11 Are Patentably Distinct From Suh And Suh In View of Watanabe

The rejections of claims 1-11 are respectfully traversed because the cited references fail to teach, disclose or suggest each and every element of the pending claims. [See MPEP §§ 2131 and 2143.01.] Accordingly, the rejections should be withdrawn and the claims allowed.

Suh is directed to a manual focus circuit using a signal stabilizer. Suh discloses a focusing ring (8) with two photoelectric conversion elements (4 and 6) that encode rotation of the focusing ring. [See Fig. 6; Col. 3, Ins. 39-60.] The Office Action cites the following paragraph (at Col. 2, Ins. 31-36) as disclosing that power is not supplied to the photoelectric conversion elements when the camera is auto-focusing mode:

According to another aspect of the present invention, the manual focusing circuit of the camera further comprises means for selecting either an automatic or manual focusing mode of a camera; and means for supplying power to the first and second sensing elements only when the manual focusing mode is selected.

At best, this paragraph of Suh discloses that in an auto-focusing mode, power is *never* supplied to the photoelectric conversion elements. There is no teaching, disclosure, or suggestion in Suh that “said power supply control device permits power supply to said detecting device permits power supply to said detecting device after said image pickup apparatus has been brought to an in-focus state by the automatic focusing driving” as recited in Applicants’ claim 1.

Watanabe (cited only for the § 103 rejection of claim 11) is directed to a lens driving apparatus, which adjusts the focus or the angle of view of a lens in accordance with the amount of rotation and the rotational angle of rotational operation member provided on a lens body or a camera body. Watanabe only is alleged in the Office Action to disclose a recording medium having stored thereon a control program for executing the method, (9/30/04 Office Action at ¶8 (p. 7)), and is not alleged to disclose variable power supply. Applicants' review of Watanabe only found the following discussion of controlling power supply to inhibit driving of the lens in a direction to go over the end stopper:

"The controller 8 controls the driver circuit 4 to inhibit the lens 6 from going in a direction over the end and an alarm section 8a to produce an alarm indicating that as the lens is pressed against the end, further driving of the lens in this direction is not possible." [Col. 3, lns. 61-66].

Accordingly, Watanabe fails to teach, disclose or suggest "said power supply control device permits power supply to said detecting device permits power supply to said detecting device after said image pickup apparatus has been brought to an in-focus state by the automatic focusing driving" as recited in Applicants' claim 1.

In sum, Applicants respectfully assert that independent claim 1 is patentably distinct from the cited references. For at least similar reasons, dependent claims 3 and 5, independent claim 6 ("said control step ... and permits power supply to said detecting device after said image pickup apparatus has been brought to an in-focus state by the automatic focusing driving," its dependent claims 8 and 10, and independent claim 11 ("said control step ... permits power supply to said detecting device after said image pickup apparatus has been brought to an in-focus state by the automatic focusing driving") are asserted to be patentably distinct from the cited references. Likewise, independent claim 4 ("said power supply control device permits

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power supply to said detecting device when said image pickup apparatus is in a manual focusing driving and restrains power supply to said detecting device when said image pickup apparatus is in a play back state") and independent claim 6 ("said power supply control step permits power supply to said detecting device when said image pickup apparatus is in a manual focusing driving, and restrains power supply to said detecting device when said image pickup apparatus is in a play back state") also are asserted to be allowable for at least similar reasons.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5079.

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By:

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



Matthew K. Blackburn
Registration No. 47,428

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile